



02 MAR 2007

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In re Application of

KALVINSH

Application No.: 10/567,130

PCT No.: PCT/LV04/00005

Int. Filing Date: 15 July 2004

Priority Date: 04 August 2003

Atty Docket No.: GRINDEX 1 PCT

For: MELDONIUM SALTS, METHOD OF THEIR
PREPARATION AND PHARMACEUTICAL
COMPOSITION ON THEIR BASIS

DECISION ON PETITION

UNDER 37 CFR 1.181

This is a decision on applicant's petition under 37 CFR 1.181 filed 05 December 2006 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 02 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a first preliminary amendment, an application data sheet and an executed declaration of the inventors.

On 18 August 2006, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 07 February 2006.

On 05 December 2006, applicant filed the present petition claiming that the 371 requirements were satisfied on 02 February 2006 and requesting a new Form PCT/DO/EO/903 and corrected filing receipt.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "IAP3 REC'D PCT/PTO 02 FEB 2006" and lists as one of the filed items Declaration/Power of attorney as well as listing the title, applicants and attorney docket number. The postcard has not been annotated in any way to indicate that the declaration was not received. The evidence is sufficient to establish that the declaration for this application was received in the

USPTO on 02 February 2006.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 15 July 2004 under 35 U.S.C. 363 and will be given a date of **02 February 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 18 August 2006 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.



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